

### REMARKS

Favorable consideration of this Application as presently amended and in light of the following discussion is respectfully requested.

After entry of the foregoing Amendment, Claims 1-15 are pending in the present Application. Claims 6-15 have been withdrawn. Claim 2 has been canceled without prejudice or disclaimer. Claims 1, 3 and 5 have been amended. Claim 1 has been amended to incorporate the limitations of cancelled Claim 2. Claims 3 and 5 have been amended to address cosmetic matters of form. No new matter has been added.

By way of summary, the Official Action presents the following issues: the Title of the Invention and the Abstract are objected to; Claims 1-3 stand rejected under 35 U.S.C. § 102 as being anticipated by Mukawa et al. (U.S. Patent No. 5,745,451, hereinafter Mukawa); and, Claims 4 and 5 stand rejected under 35 U.S.C. § 103 as being unpatentable over Mukawa in view of Akiyama et al. (U.S. Patent No. 5,764,623, hereinafter Akiyama).

### INFORMATION DISCLOSURE STATEMENT

For the Examiner's convenience and as a supplemental statement of relevancy, Applicants have enclosed an English translation of the March 23, 2004 International Search Report filed on September 21, 2004 and subsequently acknowledged as being considered by the Examiner on October 28, 2005.

### OBJECTIONS TO SPECIFICATION

In response, Applicants submit a new Title herein. Accordingly, it is respectfully requested that the objection to the title of the invention be withdrawn.

The Official Action has objected to the Abstract forming the term "means." As the Abstract has been amended to avoid use of the term "means," Applicants respectfully request that the objection to the Abstract be withdrawn.

REJECTION UNDER 35 U.S.C. § 102

The Official Action has rejected Claims 1-3 under 35 U.S.C. § 102 as being anticipated by Mukawa. The Official Action contends that Mukawa discloses all of the Applicants' claim limitations. Applicants respectfully traverse the rejection.

Amended Claim 1 recites, *inter alia*, a recording medium housed in a cartridge, including:

a slider configured to open and close said second detection hole and, when said detection hole is in a closed state, forming a plane substantially horizontal level with the reference plane of said cartridge at the position of said detection hole and said first detection hole is in an open state at all times,

wherein the slider includes a portion altering the depth of the first detection hole upon closing said second detection hole.

Mukawa describes a disc cartridge (110) including a discriminating hole (101) for preventing inadvertent erasure and a discriminating hole (102) indicating the reflectance of the optical disc (112). A knob (116) of a slider is provided for opening and closing holes (101).

Conversely, in an exemplary embodiment of the Applicants' invention, a cartridge-type recording medium includes, at least, a first detection hole and a second detection hole. The slider of the cartridge is configured to open and close the second detection hole. When the second detection hole is closed by the slider, the slider provides a portion to the first detection hole for altering the depth of the first detection hole upon closure of the second detection hole.<sup>1</sup> As Mukawa does not disclose, or suggest, a slider including a portion for altering the depth of a first detection hole upon closing a second detection hole, Applicants respectfully request that the rejection of Claims 1-3 under 35 U.S.C. § 102 be withdrawn.

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<sup>1</sup> Application at Figs. 10C, 10D, and 10E.

REJECTION UNDER 35 U.S.C. § 103

The Official Action has rejected Claims 4 and 5 under 35 U.S.C. § 103 as being unpatentable over Mukawa in view of Akiyama. The Official Action states that Mukawa discloses all of the Applicants' claim limitations with the exception of a recording medium wherein the second detection hole is opened and closed according to the operation of an operating projection. However, the Official Action cites Akiyama as disclosing this more detailed aspect of the Applicants' invention, and states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references for arriving at the Applicants' claims. Applicants respectfully traverse the rejection.

As discussed above, Mukawa does not disclose all of the claimed elements for which it has been asserted. Likewise, Akiyama does not remedy the deficiency discussed above. Accordingly, neither Mukawa alone, or in combination with Akiyama, disclose or suggest the Applicants' claimed invention. Accordingly, Applicants respectfully request that the rejection of Claims 4 and 5 under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present Application, including active Claims 1-5, is patently distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

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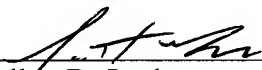
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